

AUBURN POLICE DEPARTMENT

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MEMORANDUM

DATE: February 4, 2011
FROM: Valerie Harris, Chief of Police
TO: City of Auburn Planning Commission
RE: Baltimore Ravine Specific Plan Alternative access route review

This memorandum is in response to the Planning Commission's request for a public safety perspective of potential impacts and possible concerns related to access routes for the proposed Baltimore Ravine Specific Plan (BRSP). Findings and recommendations included in this report are the result of research into historical data of calls for service, tabletop site plan review, an onsite field trip to proposed alternative route locations, and inquiry into other agencies potentially impacted by project access via either alternative # 4 or #5 into the development area.

On January 28, 2011, I participated in a meeting held at Auburn City Hall, which provided an overview of two Alternative access routes into the BRSP identified as alternatives #4 and #5. I reviewed the site map relative to the entire proposed project as well as a map indicating proposed locations for both alternative routes from Auburn Folsom Road. I participated in a tabletop site review with Fire Chief D'Ambrogi, Planning Commissioner Matt Spokely, City Planner Reg Murray, City Engineer Jack Warren, Developer Stephen Des Jardins, and Project Engineer Joe Olsen. Upon completion of this tabletop review, I participated in a group visit to the site to walk the proposed access routes with an explanation of project construction and impact as required in the engineering plans.

Historically, public access to the BRSP has been limited because the property is privately owned without street/road access intended for the general public. Access points that have been used by persons trespassing onto property in the proposed development areas have primarily been as follows:

- Auburn Recreation Park District (ARD) southern most property line with limited access to the adjacent wooded property areas privately owned.
- Access from ARD southern most property onto Union Pacific (UP) West/bound railroad track right of way along the tracks affording additional access points into the BRSP project.

- Access from Auburn Folsom Road near the location identified as Alternative #5 has had a history of individuals trespassing onto the hillside to construct an off-road bicycle course. Placer County Water Agency officials constructed a fence around a canal siphon pipe located in this area due to concerns someone would fall into the canal and possibly drown. The fence also served to prevent an ever growing problem of graffiti to the canal walls by trespassers which again could have resulted in an accidental drowning.
- Off road vehicles, off-road motorcycles, all-terrain vehicles, bicyclists, and pedestrians have used the railroad tracks from Sacramento Street and traveled under the Auburn Folsom Road overcrossing to trespass onto UP Railroad right of way property that travels through the BRSP area. The existing UP Westbound train tracks travel in the area of the proposed Alternative #4 route access into the BRSP project.

The natural topography and varying elevations within the BRSP area has generally served as a deterrent to individuals accessing the property either by foot or vehicular travel. The sloping hillsides and ravines tend to be densely covered with shrubbery and tree foliage that offer limited view into the proposed development area itself. Currently, legal access into the BRSP area can only occur with permission from land owners in and around the BRSP area or through authorized access along the UP Railroad right of way. Those with legitimate access into the BRSP area along the railroad tracks are UP Railroad personnel or contract entities, public utility providers, or public safety personnel responding to calls for service.

Most often public safety calls for service have been the result of individuals trespassing along the railroad right of way and violating either local ordinances or state statutes. Problems Auburn Police Officers have encountered are vehicles, off-road motorcycles, off-road all terrain vehicles, and pedestrians traveling along the railroad tracks in violation of Section 369g of the California Penal Code. This section serves to limit access to the railroad tracks thereby preventing possible injury to vehicles, pedestrians and railroad property. A violation of this section is considered a misdemeanor and can result in potential incarceration in the county jail for up to one year and a \$1,000 fine.

Illegal camping and dumping of trash are two other common problems that stem primarily from access currently gained along the railroad tracks. While on the BRSP field trip on January 28th, I saw firsthand several abandoned vehicles and illegal camping sites in various locations hidden from view of Auburn Folsom Road or the train tracks themselves. The abandoned vehicles would most likely have been driven in along the tracks, stripped of parts and discarded over embankments on private property. The illegal camp sites stem from an ongoing problem of transients accessing the area via the railroad tracks or the southernmost boundary of the Auburn Recreation Park. Either way access into the area involves a violation of trespassing and subsequently illegal camping and dumping of trash.

These illegal camp sites are of grave concern because they frequently involve areas of human waste and filth strewn across the campsite itself and outlying area. Police officers must use caution when dealing with transients and searching these areas to avoid exposure to human feces and/ or other objects that have the potential of transferring disease. Transients will move from camp site to site leaving waste, trash and on occasion stolen property. The burden then falls to the UP railroad or private property owner to remove the property. This removal usually comes about as the result of City of Auburn Code Enforcement working with Police Officers to notify the property owners of their obligation to remove the campsite remnants at their own expense.

Illegal access into the BRSP has to date occurred primarily because of the proximity to the railroad tracks in the area of proposed access alternative #4 and access from Auburn Folsom Road in the same area as alternative #5. The Auburn Police Department has been the agency primarily responsible for investigations into complaints of trespassing along the railroad track right of way even though this falls under the true jurisdiction of the UP Police. The UP Police cover an expansive area with hundreds of miles of track, thus limiting their proactive patrol efforts to prevent trespassing or to respond to reports of violations. The BRSP development property is the jurisdiction of the Auburn Police.

Since 2003, Auburn Police Officers have responded to five deaths of individuals on the railroad tracks at various locations throughout the city. Whether these deaths were accidental or suicide is secondary to the fact they occurred because these individuals had access to the railroad tracks. Auburn Police and UP Railroad Police agree that all planning of project developments should entail access routes, to the extent possible, that do not run adjacent to or cross over railroad tracks. Both alternative route accesses #4 and #5 will require extensive infrastructure buildup for bridges that are elevated above the existing railroad tracks to allow for vehicular travel. This infrastructure buildup will involve a tremendous amount of infill for the bridge abutments as well as for the actual roadway, thus creating numerous additional access points for individuals that would choose to illegally enter onto private.

The desire of both UP and Auburn Police personnel would be to have access into the BRSP project occur from the Herdal Drive. This railroad crossing at Bloomers Cut does not involve bridge construction in close proximity to existing tracks, thus creating additional potential access points for trespassers. The Herdal Drive access is a more direct route into the project for public safety responders with a more consistent roadway elevation. The alternative routes #4 and #5 require construction of additional roadway upwards of 4,900 feet in length, with 12' to 22' foot high embankments on either side of the road and bridge spans of 100' to 250' to travel over existing railroad tracks. All of these aspects of construction raise concerns for public safety.

First of all, the additional roadway length of 4,900 feet consists of property that will not include home construction thus it will have embankments on either side affording potential access into privately owned undeveloped land. This will allow access down embankments into wooded areas by individuals seeking concealment for purposes of illegal camping, illegal campfires, and potential illegal dumping and/or associated human waste issues previously described. The topography of the development area required roadway construction with elevation changes and turns that will serve as an enticement to skateboarders or others looking for stretches of roadway they consider challenging.

While this proposed roadway for alternatives #4 and #5 may not have driveways or other egress/ingress points to impede speed of travel, it has the same inherent dangers that exist anytime someone travels into an oncoming traffic lane. This is a real concern given the demonstrated behavior by individuals trespassing onto railroad property to construct an off-road bicycle course as well as violators riding off-road vehicles along the railroad tracks. During Fiscal Year 2009/2010 Auburn Police responded to two reports of vehicles versus train collisions. In both instances, the riders of the all-terrain off road vehicles were thrown from the vehicles upon impact of the collision with the train. Both drivers were injured and at fault for the collision as they were illegally driving along the railroad tracks.

During the 2009/2010 fiscal year Auburn Police Officers took three reported cases of vandalism to railroad property and issued five citations for trespass and vehicle operation along the railroad track right of way. A more in-depth search of calls for service since 2005 indicates Auburn Police Officers have responded to twelve calls of vehicles being “stuck on” or “stuck along” the railroad tracks. These reports require contact with the UP Police and a request to halt any trains approaching Auburn until the vehicle is removed from the right of way. This obviously greatly impacts train schedules as well as ties up public safety personnel until the vehicle can be safely removed from the railroad right of way.

While public safety could elaborate to a greater extent upon the historical data relative to problems associated with trespassing issues near and/or onto BRSP proposed development property, I believe enough information has been offered to support the below recommendations.

RECOMMENDATION:

- Auburn Police staff recommends the access route into the BRSP project development area is from Herdal Drive. This route affords a more direct access into the project with minimal impact to existing railroad right of way. It minimizes construction near, over or along existing railroad tracks thus lessening the enticement and likelihood of trespassing and other related criminal activity.
- Additionally, any access from Auburn Folsom Road as proposed in alternatives #4 or #5 should be avoided as both routes raise concern from Auburn Police and Union Pacific Police. These concerns have been detailed in the above narrative report.